

4/28/66

30. ACQUISITION BY THE UNITED STATES OF LAND OCCUPIED BY THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE, 650 CAPITOL MALL, SACRAMENTO, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - S.W.O. 8144.

After consideration of Calendar Item 24 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE STATE LANDS COMMISSION FINDS AND DECLARES, WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED BY THE UNITED STATES AND NOW USED BY THE UNITED STATES GOVERNMENT AS A FEDERAL BUILDING AND UNITED STATES COURTHOUSE AT 650 CAPITOL MALL, SACRAMENTO, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM MONUMENT DISC SET IN CONCRETE STAMPED L.S. 2651-1958 MARKING THE INTERSECTION OF "N" STREET AND 6TH STREET AS SHOWN ON THAT CERTAIN SURVEY ENTITLED "RECORD OF SURVEY CERTAIN BLOCKS IN AREA BOUNDED BY "J" AND "P" STREETS, 3RD AND 8TH STREETS, CITY OF SACRAMENTO", RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 13 OF SURVEYS, MAP NO. 18; THENCE; FROM SAID POINT OF COMMENCEMENT ALONG THE CENTERLINE OF SAID "N" STREET, NORTH 71°36'46" WEST 40.00 FEET; THENCE, NORTH 18°28'38" EAST 40.00 FEET TO THE INTERSECTION OF THE NORTH LINE OF "N" STREET WITH THE WEST LINE OF 6TH STREET, THE TRUE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE, FROM SAID TRUE POINT OF BEGINNING, ALONG THE WEST LINE OF SAID 6TH STREET, NORTH 18°28'38" EAST 322.16 FEET TO A POINT DISTANT SOUTHERLY 70.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF CAPITOL AVENUE; THENCE, PARALLEL WITH AND DISTANT SOUTHERLY 70.00 FEET MEASURED AT RIGHT ANGLES FROM SAID CENTERLINE OF CAPITOL AVENUE, THE FOLLOWING TWO (2) COURSES; (1) SOUTH 71°37'26" EAST 40.00 FEET TO THE CENTERLINE OF SAID 6TH STREET AND (2) SOUTH 71°30'59" EAST 361.07 FEET TO THE WESTERLY LINE OF 7TH STREET; THENCE, ALONG SAID WESTERLY LINE OF 7TH STREET, SOUTH 18°30'51" WEST 321.49 FEET TO THE INTERSECTION OF SAID WESTERLY LINE WITH THE NORTHERLY LINE OF "N" STREET; THENCE, ALONG SAID NORTHERLY LINE OF "N" STREET, NORTH 71°37'26" WEST 360.88 FEET; THENCE, NORTH 71°36'46" WEST 40.00 FEET TO THE TRUE POINT OF BEGINNING.

THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b), (c), (e), AND (h) OF SECTION 126 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA HAVE BEEN FOUND TO HAVE OCCURRED AND TO EXIST AND THAT SUCH ACQUISITION IS IN THE INTEREST OF THE STATE.

FURTHER, THE EXECUTIVE OFFICER IS DIRECTED TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE A COPY RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY.

Attachment

Calendar Item 24 (5 pages)

ACQUISITION BY THE UNITED STATES OF LAND OCCUPIED BY THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE, 650 CAPITOL MALL, SACRAMENTO, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - S.W.O. 8144.

On January 26, 1966, the Commission authorized the Executive Officer to order and conduct the requisite hearing, pursuant to Section 126 of the Government Code and to the Rules and Regulations of the Commission as set forth under Sections 2600 to 2604 of Title 2, Division 3 of the California Administrative Code, on the application for consent to acquisition by the United States of land in the State of California known as the Federal Building and United States Courthouse, 650 Capitol Mall, Sacramento, more particularly described herein-after, subject to report to the Commission of the determinations of such hearing for final consideration and action.

Under date of April 12, 1965, an application for acceptance of jurisdiction by the United States over land comprising the Federal Building and United States Courthouse, 650 Capitol Mall, Sacramento, California, was executed by the Acting Administrator of General Services Administration in behalf of the United States of America, assenting to the acceptance of Federal jurisdiction over the above-referred-to site as provided by Section 355, Revised Statutes, as amended; 40 U.S.C. 255, by and subject to each and all of the conditions and reservations described in California Government Code, Section 126.

Pursuant to said application, arrangements were made to conduct the requisite public hearing at Room 3201, Federal Building and United States Courthouse, 650 Capitol Mall, Sacramento, California, at 10 a.m., Wednesday, March 9, 1966.

The notice of public hearing was published February 17, 1966, in "The Daily Recorder", a newspaper of general circulation, published in Sacramento, California; and personal service of said notice was made February 10, 1966, on the Clerk of the Board of Supervisors of the County of Sacramento. Notices were thus published and served in compliance with Section 2602, Title 2, Division 3, of the California Administrative Code.

A hearing was held by the Executive Officer in Room 3201 Federal Building and United States Courthouse, Sacramento, California, at 10 a.m., March 9, 1966. A record of the hearing was made, and the transcript was made a part of the Commission record in this case. The Attorney General was represented by John Fourt, Deputy Attorney General. Appearances were made on behalf of the applicant by Max M. Misener, Attorney Advisor, and by Oliver W. Conroy, Jr., Supervisory Realty Officer, both of the General Services Administration, United States Government.

Section 126 of the Government Code requires that the State Lands Commission must have found and declared to have occurred and to exist the fulfillment of certain specified conditions. Oral and documentary evidence was presented and received at the hearing in support of the contention of the applicant that these conditions have been met and complied with. Conclusions in regard to the presentation are as follows:

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Evidence was presented at the hearing to the effect that the acquisition was made for the "erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purposes, within the purview of Clause 17, Section 8, Article I, of the Constitution of the United States". According to that evidence, the Federal Building and United States Courthouse above referred to has as its purpose the housing of various federal agencies rendering public service.

The second condition requires that a finding must be made that "the acquisition must be pursuant to and in compliance with the Laws of the United States". The property was acquired in fee simple by the United States by final judgment in condemnation pursuant to authority contained in the Act of August 1, 1888 (25 Stat. 357, c. 728), as amended; the Act of February 26, 1931 (46 Stat. 1421, c. 307); the Public Buildings Act of 1949, approved June 16, 1949 (63 Stat. 176), as amended; the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (63 Stat. 377), as amended; and the Public Buildings Purchase Contract Act of 1954, approved July 22, 1954 (68 Stat. 518), as amended. The funds for such acquisition were appropriated by the Supplemental Appropriation Act, 1956, approved August 4, 1955 (69 Stat. 458), and the Independent Offices Appropriation Act, 1959, approved August 28, 1958 (72 Stat. 1063), Appropriation chargeable "47X1147 Sites and Expenses, Public Buildings Projects, GSA", Allotment CO.174.X-X. 82000 (Project 04904).

By testimony presented and documentary evidence introduced by the applicant in the form of final judgment in condemnation and letter of opinion by the Office of the Attorney General of the United States, it was established that all federal statutory requirements had been fully complied with and that the United States is vested with a good and sufficient title in fee simple for the subject land.

The third condition upon which a finding is required is that "the United States must in writing have requested State consent to acquire such land, subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed". A letter received by the Governor of California from the Acting Administrator (Lawson B. Knott, Jr.) of the General Services Administration, dated April 12, 1965, requested State consent to acquire the land and assented to acceptance of jurisdiction on behalf of the United States, pursuant to Section 355, Revised Statutes, as amended; 40 U.S.C. 255. This request for consent and acceptance is made subject to each and all of the conditions and reservations prescribed in Section 126, Government Code, State of California, and therefore is in accordance with law and with the rules of the Commission. The form and substance of this application have been reviewed and approved by the Office of the Attorney General.

The fourth requirement, which must have been found and declared to have occurred and to exist by the Commission, is as follows: "(e) In granting this consent, the Legislature and the State grant concurrent jurisdiction on and over the land to the United States, excepting and reserving state jurisdiction on and over the land for the execution of civil and criminal process and to enforce the laws of the State of California in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political

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subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given."

The fifth requirement, which must have been found and declared to have occurred and to exist by the Commission, is as follows: "(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired."

The findings that must have been found and declared to have occurred and to exist are satisfied by the following quoted statement from the April 12, 1965, letter request and acceptance from Mr. Lawson B. Knott, Jr., Acting Administrator, General Services Administration, to the Governor of the State of California: "General Services Administration, in behalf of the United States of America, hereby assents to the acceptance of Federal jurisdiction over the above described site as provided by Section 355, Revised Statutes, as amended; 40 U.S.C. 255, by and subject to each and all of the conditions and reservations described in said California Government Code, Section 126." Furthermore, during the public hearing, the conditions contained in subsections (e) and (h) were acknowledged by Federal representatives and concurrence was given thereto. By assenting to acceptance of Federal jurisdiction by and subject to each and all of the conditions and reservations specified in California Government Code Section 126 and by the above acknowledgement, the Commission can properly find that the conditions and reservations prescribed in subsections (e) and (h) of Section 126 have been found to have occurred and to exist.

The sixth requirement is that the Commission must have found and declared that the acquisition is in the interest of the State. Testimony was presented to the effect that the building houses government agencies whose functions benefit the residents of California, that the building was built by California labor, and that agencies housed therein employ approximately 1,200 employees with an aggregate monthly payroll of approximately \$600,000. In addition, the local redevelopment agency asked that this building be located within their redevelopment district.

No appearances were made in opposition to the applicant.

SUMMARY

Pursuant to delegation of authority by the Commission to the Executive Officer, the findings of the hearing officer are as follows:

1. The property comprises one parcel in one ownership acquired by the United States as a Federal Building and Courthouse. The acquisition comes within the purview of Clause 17, Section 8, Article I, of the Constitution of the United States, which requires that it be "for the erection of forts, magazines, arsenals, dockyards and other needful buildings or other public purposes";

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2. The acquisition was by judgment in condemnation, and was made pursuant to the laws of the United States. The United States is vested with a good and sufficient title in fee simple to the subject land;
3. The United States, through the Acting Administrator of General Services Administration, has requested State consent to acquire the land and assented to acceptance of jurisdiction on behalf of the United States subject to each and all of the conditions and reservations of Section 126 of the Government Code, State of California, as amended by Statutes of 1961, Chapter 966;
4. The United States has, by its letter of acceptance dated April 12, 1965, and during the public hearing of March 9, 1966, consented to the provisions of subsections (e) and (h) of Section 126 of the Government Code, and the Commission can properly declare that such conditions have been found to have occurred and to exist;
5. Acquisition is in the interest of the State in view of the public services rendered to the residents of California and its substantial contribution to the economy of the local community and the State;
6. All requirements of Section 126 of the Government Code of the State of California have been complied with by the applicant and by the State Lands Commission and its staff.

The proceedings were attended by a representative of the Office of the Attorney General, and are considered legally sufficient in respect to applicable statutes and rules and regulations.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION FIND AND DECLARE, WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED BY THE UNITED STATES AND NOW USED BY THE UNITED STATES GOVERNMENT AS A FEDERAL BUILDING AND UNITED STATES COURTHOUSE AT 650 CAPITOL MALL, SACRAMENTO, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

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THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b), (c), (e), AND (h) OF SECTION 126 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA HAVE BEEN FOUND TO HAVE OCCURRED AND TO EXIST AND THAT SUCH ACQUISITION IS IN THE INTEREST OF THE STATE.

IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE DIRECTED TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE A COPY RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY.